

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SUPERCELL OY.

**Plaintiff,**

V.

**ROTHSCHILD DIGITAL MEDIA  
INNOVATIONS, LLC,**

**Defendant.**

CASE NO. C15-1119JLR

## ORDER CONTINUING STAY

This matter has been stayed since July 28, 2016, pending *inter partes* review (“IPR”) of the patent at issue by the Patent Trial and Appeal Board (“PTAB”) of the United States Patent and Trademark Office. (*See* 7/28/16 Order (Dkt. # 37) at 13.) On February 28, 2018, Defendant Rothschild Digital Media Innovations, LLC (“RDMI”) filed a status report informing the court that on December 13, 2017, the Federal Circuit

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1 affirmed PTAB's Final Written Decision.<sup>1</sup> (2/28/18 Status Rep. (Dkt. # 49) at 2.) On  
2 March 8, 2018, the court ordered the parties to submit proposals recommending how the  
3 court should proceed in light of the Federal Circuit's decision. (3/8/18 Order (Dkt. # 50)  
4 at 2.)

5 In response, the parties propose that the court continue the stay until there is a  
6 decision on RDMI's petition for a writ of *certiorari* to the United States Supreme Court.  
7 (Pl. Resp. (Dkt. # 51) at 2; Def. Resp. (Dkt. # 52) at 2.) Given the parties' agreement and  
8 the pending petition, the court ORDERS that this case remain stayed until the court  
9 directs otherwise. The court further ORDERS RDMI to file a status report no later than  
10 ninety (90) days from the entry of this order and to file a status report every ninety (90)  
11 days until the court lifts the stay. The status report shall inform the court of the status of  
12 the petition for a writ of *certiorari* and/or further proceedings before the Supreme Court,  
13 the expected timeline for resolution, and any other developments affecting the resolution  
14 of this matter. If the case is resolved or there is any other significant development at any  
15 time before ninety (90) days from the entry of this order or during any subsequent 90-day

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<sup>1</sup> RDMI's status report states that the Federal Circuit issued its decision on December 13, 2018. (2/28/18 Status Rep. at 2.) However, the Federal Circuit decision RDMI filed with its status report confirms that the Circuit issued its decision in 2017. (*Id.*, Ex 1 (Dkt. # 49-1) at 2.)

1 interval, the court ORDERS RDMI to file a status report informing the court of that  
2 development no more than five (5) days after it occurs.

3 Dated this 20th day of March, 2018.

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JAMES L. ROBART  
United States District Judge

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